

JUN 23 2011

UNITED STATES DISTRICT COURT

David J. Bradley, Clerk

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

Joel Alonso RIVERA-Martinez
YOB: 1973
MX

"REDACTED"

CRIMINAL COMPLAINT

Case Number: M-11-2133-M

I, Christopher M. Vega, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 28, 2009 in Hidalgo County, in Southern District of Texas the defendant(s) did, Knowingly and willfully make a false claim to US citizenship

in violation of Title 18 United States Code, Section(s) 911 & 1542.
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

See Attachment "A"

Continued on the attached sheet and made a part of this complaint:

Agreed June 7, 2011

☒ Yes ☐ No

Chris Vega

Signature of Complainant

Chris Vega U.S. Dept of State

Printed Name of Complainant

Sworn to before me and signed in my presence.

June 17, 2011 2:35 pm

Date

McAllen, Texas

City and State

U.S. Magistrate Peter E. Ornsby

Name and Title of Judicial Officer

Peter E. Ornsby

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT FOR

Joel Alonso RIVERA-Martinez

I, Christopher M. Vega, being duly sworn, hereby depose to say that:

1. I am a Special Agent with the United States Department of State, Diplomatic Security Service, and have been so employed for seven and a half years. My responsibilities include conducting investigations into criminal violations of the laws governing the issuance of United States Passports and other travel documents used to transit international borders. I make this affidavit based upon my knowledge and upon information and documents furnished to me in my official capacity. Because this affidavit is submitted for the limited purpose of establishing probable cause for a Criminal Complaint, it does not include every fact known by me in connection with this investigation.

2. On January 28, 2009 an individual purporting to be Jose Cruz CUEVAS, (hereinafter "SUBJECT") executed an application for a United States Passport (DS-11 # _____ at a US Post Office in McAllen, Texas. On the DS-11 application, the SUBJECT listed his date and place of birth as September _____ 1973 in Muscatine, Iowa, and his Social Security number as _____ 3594. As proof of citizenship and identity, the SUBJECT presented a State of Iowa birth certificate and a State of Texas driver's license bearing the number _____. Both the Iowa birth certificate and the Texas driver's license were in the name of Jose Cruz CUEVAS. On June 1, 2009, US passport # _____ was issued, in the name of Jose Cruz CUEVAS, to the SUBJECT.

3. On November 23, 2009, another individual purporting to be Jose Cruz Cuevas (Not the SUBJECT) executed a DS-11 (# application for a US Passport Card at the Barbara Jordan Post Office in Houston, Texas. On the DS-11 application, Cuevas listed the same date and place of birth, as well as the same social security number, as the SUBJECT on his application. Because a passport had been previously issued in the name of Jose Cruz CUEVAS, the case was referred to the Diplomatic Security Service to determine the true identity of the SUBJECT.

4. On June 14, 2011, Special Agent (SA) Chris Vega and SA Jeremy Clark attempted to locate the SUBJECT at his DS-11 listed permanent address, Redbird Street in Edinburg, Texas. SA Vega and SA Clark interviewed an individual who identified himself as Santiago Rivera, the SUBJECT's brother. Rivera was shown a photo of the SUBJECT, and he identified the SUBJECT as his brother Joel RIVERA. Santiago Rivera further stated that his brother was in fact a Mexican citizen born in Reynosa, Tamaulipas Mexico, and not a US citizen. Santiago Rivera then told SA Vega and SA Clark that his brother's actual residence was located at Davis Street in Edinburg, Texas. SA Vega and SA Clark then attempted to locate RIVERA at the aforementioned address and encountered a female individual who identified herself as Maria Rivera, the SUBJECT's wife. Maria Rivera told SA Vega and SA Clark that her husband Joel RIVERA had not been seen for several days, and that she did not know where he was currently residing.

5. On June 16, 2011, SA Vega received an anonymous phone call from an individual claiming to know where the SUBJECT, Joel RIVERA, was staying. The anonymous caller stated that RIVERA could be located off of 22nd street near Memorial Park in Edinburg, Texas. The anonymous caller further stated that RIVERA was driving a tan color Nissan Van which would be parked outside the residence. SA Vega and SA Clark went to 22nd street in Edinburg and witnessed a tan color Nissan Qwest minivan with Texas Plates BT7-R646 in front of a residence located at Semano Street in Edinburg, Texas. A records check revealed that the registered owner of the van was Jose Cruz CUEVAS.

6. On June 17, 2011 SA Vega and SA Clark conducted surveillance at Semano Street in Edinburg, Texas in an attempt to locate RIVERA. SA Vega and SA Clark witnessed Maria Rivera exiting the residence and approached to ascertain the whereabouts of her husband, Joel RIVERA. Maria Rivera told SA Vega and SA Clark that her husband had gone back to Mexico. Upon further questioning, Rivera's sister, Martina Rincon admitted to SA Vega that Joel RIVERA was inside the residence. SA Vega accompanied Rincon into the residence and encountered Joel RIVERA. SA Vega then ascertained that RIVERA was currently in the United States illegally and had no documents allowing him to legally be in the United States.

7. After being advised of and Waiving his Miranda Rights, RIVERA gave SA Vega a sworn statement indicating that his true name was in fact Joel Alonso RIVERA and that he was a Mexican Citizen born on September 2, 1973 in Reynosa, Tamulipas, Mexico. RIVERA further stated that he had obtained a

birth certificate and social security number from the true Jose Cruz Cuevas (DS-11 # _____ who was an acquaintance, in Mexico, for the purposes of securing work in the United States. Rivera then stated that he used the birth certificate to cross into the United States via the Hidalgo Port of Entry (POE) around 1995 or 1996. RIVERA then admitted that he also used the birth certificate and social security number in the name of Jose Cruz Cuevas to obtain a Texas driver's license and to apply for a US passport so that he could easily return to Mexico to visit his sick mother. Subsequent records checks revealed that US Passport # _____ issued in error to Joel RIVERA in the name of Jose Cruz CUEVAS, was used at least 45 times to cross the border from Mexico into the US.

8.. In view of the foregoing, I submit that there is probable cause to believe that on January 28, 2009, in the Southern District of Texas, Joel Alonso RIVERA did willfully and knowingly make a false statement in a US Passport Application, in violation of Title 18, United States Code, Section 1542, and did willfully and knowingly make a false claim to US Citizenship, in violation of Title 18, United States Code, Section 911,

FURTHER YOUR AFFIANT SAYETH NAUGHT



Christopher M. Vega, Special Agent
Diplomatic Security Service
U.S. Department of State